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INFO RUEHEE/ARAB LEAGUE COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 03 AMMAN 000450

SIPDIS

E.O. 12958: DECL: 02/09/2019
TAGS: PGOV KDEM JO
SUBJECT: COMPROMISE ASSOCIATIONS LAW AMENDMENTS INCHING FORWARD

REF: A. AMMAN 343
 1B. 08 AMMAN 2701
 1C. 08 AMMAN 1834

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Classified By: Ambassador R. Stephen Beecroft
for reasons 1.4 (b) and (d).

11. (C) Summary: Following an extended period of negotiation, amendments to Jordan's Law on Associations are beginning to move forward. After a February 1 meeting with civil society representatives, Minister of Social Development Hala Lattouf has indicated she will submit the amendments for cabinet approval after which they would be sent to parliament. Lattouf believes that the amendments could be altered or defeated in parliament, although the Prime Minister and Justice Minister have told Ambassador they expect them to pass during an extraordinary session this summer. The amendments offer significant improvements to the July 2008 law, although some changes represent compromises with security-minded government officials. One amendment bars charities or any other NGO from pursuing "political or religious aims." Civil society got some of what it wanted in the amendments, which may face a difficult test in parliament. End Summary.

Amendments Inching Forward

12. (C) On February 1, Minister of Social Development Hala Lattouf met with a small group of civil society representatives who have been advising her on amendments to the controversial Associations Law. Lattouf presented the group with amendments she crafted based on civil society feedback and her consultations with reform-minded ministers. Her initial hope was to send the amendments to parliament before its ordinary session ended February 4, but a crunch of last minute bills with higher priority ended up bumping them from the legislative calendar.

13. (C) Lattouf gave civil society about a week to respond with any last-minute suggestions and comments before she forwarding the law to the Legislative and Opinion Bureau for vetting. After the amendments are examined for constitutionality and potential conflicts with existing law, they would advance to the cabinet and if approved would likely appear before an extraordinary session of parliament expected this summer.

Tough Road Ahead

14. (C) Lattouf confided to USAID staff that parliament may try to change the content of the amendments (as happened with the 2008 law) or defeat them outright. She explained that the amendments may not enjoy the confidence of the full government and would therefore face challenges from lawmakers

allied to security-minded conservatives in the cabinet. The Prime Minister and Justice Minister, however, have subsequently told Ambassador they expect the amendments to pass during an extraordinary session this summer. MPs shared with poloff some of their concerns. Legal Committee Chair Mubarak Abbadi said that while he "respects the opinion of the King" on expanding the political space for NGOs, he believes that security concerns are paramount. Abbadi points out (as many of our contacts do) that Jordan's Islamists have a long history of using loopholes in government regulation to their advantage. It is rumored that the government may circumvent parliament altogether by implementing the amendments directly as a provisional law (Ref C).

¶15. (C) Our civil society contacts are more optimistic, believing that international pressure will ultimately result in constructive change. While there are some who think the package does not go far enough, the majority see the amendments as the best compromise possible at this point, given the relative weakness of the Minister of Social Development in comparison to her more powerful counterparts at the Ministry of Interior and the General Intelligence Directorate. Asem Rababa, head of the Adaleh Center for Human Rights, told poloff that while civil society wanted more from the amendment process, he was generally satisfied that the changes represent a positive correction to the 2008 law. Al-Urdun Al-Jadid Research Center Director Hani Hourani called the amendments a "good step" but warned that parliament was a daunting obstacle.

The Amendments

¶16. (SBU) Following the passage of the revised Associations Law in 2008, the government asked civil society to produce

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suggested amendments. After a great deal of debate, civil society leaders returned with eight areas for improvement: the registration process, freedom of operation, funding, oversight, managerial questions, government support, penalties, and tax exemptions. Those suggestions were later prioritized and whittled down. Of the original eight suggestions, four were dealt with in the current amendment package: registration, government support, funding, and penalties. The following is a summary of the amendments as presented to civil society by Lattouf:

-- Definitions: Much of the text of the amendments is devoted to defining responsibility. Where the law references a "relevant minister" as the source of oversight over NGOs, the amendments assign most oversight powers to a registrar in the Ministry of Social Development. Under the old law, NGOs sought out the ministry whose regulatory requirements were the least burdensome.

-- "Religious or Political Aims": In a bid to satisfy security-oriented conservatives worried about expansion of Muslim Brotherhood influence, the amendments specifically bar charities or any other NGO from pursuing "political or religious aims" -- a vague formulation which is not further clarified. Religious organizations must obtain the permission of the registrar before launching any new type of service provision, and the board is responsible for monitoring those services to make sure that they remain compliant with the law. Existing services provided by religious organizations are grandfathered into the law's requirements, but the registrar is given the power to issue regulations to bring those service providers into full compliance at a later date.

-- Registration and Government Support: Under the 2008 law, a "registrar of societies" would issue official documentation for civil society organizations and pair them with relevant ministries. The ministries would be responsible for oversight of organizations' affairs and would have

significant power to intervene. The registrar's office has no direct powers over civil society. There is little clarity in the law about whether currently registered societies would have to renew their paperwork to comply with the new system. The law authorizes the creation of a government-supported fund for NGOs to be administered by the Minister of Social Development.

-- Registrar: In September 2008, civil society proposed the expansion of the registrar's purview and the elimination of direct ministerial oversight. The current draft amendments largely fulfill that wish. The registrar would be replaced by a joint committee of civil society representatives and officials from various government ministries, which would perform most oversight functions. This would give civil society a voice in its own governance -- an improvement on the current statute.

-- Exceptional Cases: Civil society's suggestion was also taken on the subject of re-registration for NGOs not currently registered with the Ministry of Social Development. Under the proposed amendments, organizations with fewer than eleven members are given special status and will be grandfathered into registration requirements--a compromise that will exempt many small charities from the burdensome provisions of the 2008 law. The amendments also adopt civil society's suggestion of giving the registrar, rather than the minister, control over the government fund to support NGO operations--a move which will allow civil society, through its representatives on the registrar's committee, to have a say on how the fund's money is distributed. Many international charities which run their Iraq operations from Amman were concerned that their operations would be restricted or dismantled under the 2008 law, which was unclear about their status. The amendments create a specific loophole for these organizations, allowing them to register with MOSD and operate freely as long as activities take place outside of Jordan.

-- Funding: The 2008 law requires all funding from foreign sources to be approved by the cabinet, with no standards for approval or rejection. NGOs are required to deposit their funds in Jordanian banks. The amendments retain the requirement of approval for foreign funding but give authority for that approval to the Minister of Social Development rather than the cabinet. The amendments give the minister thirty days to object following the receipt of notification, after which funding transfers are automatically approved. The amendments do not require a reason for disapproval of foreign funding but allow civil society organizations to challenge the minister's decision in court. The requirement for keeping NGO money in Jordanian banks is

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retained in the amendments. Furthermore, NGO accounts are specifically exempted from secrecy laws, allowing the minister to subpoena account records for any civil society organization suspected of financial wrongdoing.

-- Penalties: The 2008 law includes strict penalties or prison time for civil society leaders who take foreign funding after it is barred by the cabinet. The amendments as written remove prison sentences, although the fines for disobeying the law remain high. The maximum penalty for disobeying the law remains 10,000 JD (USD 14,000), and the minimum fine stays at 1,000 JD (USD 1,400).

Comment: A Compromise Bill

17. (C) The amendments as written are a compromise between civil society's suggestions from September and the concerns of Jordan's security agencies. Civil society won quite a few significant changes, particularly where the registration process is concerned. Inclusion of civil society representatives within the registrar's office and the

elimination of prison sentences represent significant movement toward civil society's position. The issue of foreign funding is where civil society's suggestions were not entirely adopted, although the transfer of authority over foreign funding from the cabinet to the Minister of Social Development represents progress. The amendment prohibiting civil society from pursuing "religious or political aims" seems to be a step backward but is likely to be interpreted primarily as a bulwark against Islamists rather than civil society as a whole.

¶8. (C) Now that the content of the amendments seems to be coming together, the onus for action will shift to the parliament. Given the experience of the 2008 law, Lattouf's concern that parliament will alter the content of the amendments is understandable. During the last parliamentary go-around, lobbying efforts by Jordanian civil society groups were hampered by internal divisions. Public criticism of the law by Human Rights Watch only reinforced the argument of security-oriented MPs that opposition to the law represented foreign interference in Jordan's internal affairs.

Beecroft